

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	CHAPTER 11
	)	
W.R. GRACE & CO., <i>et al.</i> ,	)	Case No. 01-01139 (JKF)
	)	
Debtors.	)	
_____	)	RE: D.I. 21006

ANDERSON MEMORIAL HOSPITAL'S RESPONSE TO  
DEBTORS' OBJECTION TO ANDERSON MEMORIAL HOSPITAL'S  
ZONOLITE ATTIC INSULATION CLASS PROOF OF CLAIM

Anderson Memorial Hospital, on behalf of itself and on behalf of all buildings encompassed in its certified statewide class action ("Anderson"), responds to the *Debtors' Objection to Anderson Memorial Hospital's Zonolite Attic Insulation Class Proof of Claim* ("Objection"), and states:

1. On October 31, 2008, Anderson filed a proof of claim in this case (Claim No. 17909) on behalf of all buildings encompassed in its Certified Class Action (Statewide) (the "Anderson ZAI Claim").

2. On March 13, 2009, the Debtors filed their Objection to the Anderson ZAI Claim.

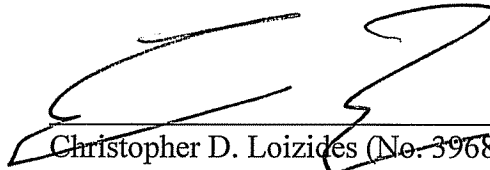
3. The Objection, *inter alia*, asserts that the Anderson ZAI Claim should be disallowed on the basis of this Court's prior ruling denying class certification as to two other claims filed by Anderson on behalf of itself and the class of other property owners whose buildings were, are, or will be contaminated with asbestos fibers from asbestos-containing materials for which the Debtors are legally responsible (Claim Nos. 9911 and 9914). *See* Memorandum Opinion and Order dated May 29, 2008 (D.I. 18821).

4. While Anderson is currently seeking to obtain appellate review of the Memorandum Opinion and Order denying class certification, Anderson respectfully

acknowledges that the Court's ruling in the Memorandum Opinion and Order would be dispositive of the Anderson ZAI Claim as well. Accordingly, Anderson acknowledges – without prejudice to all rights to seek appellate review thereof and any further relief that may be appropriate as a result of such appellate review<sup>1</sup> – that the Court, consistent with the Memorandum Opinion and Order, would likewise sustain the Debtors' Objection on the same grounds and may, without further hearing, enter the Debtors' proposed *Order Granting the Relief Sought in Debtors' Objection to Anderson Memorial Hospital's Zonolite Attic Insulation Class Proof of Claim*.

**WHEREFORE**, Anderson, without waiving any rights of appellate review or any further relief that may be appropriate as a result of such appellate review, respectfully submits that the Court may, without further hearing, enter the Debtors' proposed order with respect to the *Debtors' Objection to Anderson Memorial Hospital's Zonolite Attic Insulation Class Proof of Claim*. A copy of the Debtors' proposed order has been resubmitted herewith.

DATED: April 13, 2009



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– and –

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<sup>1</sup> Anderson hereby incorporates by reference all papers filed and arguments made by Anderson with respect to the *Motion of Anderson Memorial Hospital for Class Certification*, D.I. 10014; see also D.I. 19987.

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